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Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

MARIO ANTONIO SALCIDO,

Defendant.

CASE NO. 1:21-CR-00127-ADA-BAM

STIPULATION AND ORDER TO CONTINUE
MOTION BRIEFING SCHEDULE

Plaintiff, the United States, by and through its counsel of record, and the defendants, by and through their counsel of record, hereby stipulate as follows:

STIPULATION

1. The defendant filed a motion to suppress on July 6, 2022. Docket No. 26. By previous order, the government's response is due January 30, 2023, with any reply from the defendant due on February 13, 2023 and a hearing on the motions on February 27, 2023.

2. Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate the motion briefing schedule be continued and set as follows:

Government's opposition due: **February 20, 2023**

Defense reply due: **March 6, 2023**

Hearing on motions **March 20, 2023**

1 3. The parties also agreed that the status conference currently set for March 8, 2023, be
2 continued until March 22, 2023.

3 4. The parties agree that time within which trial must commence under the Speedy Trial
4 Act, 18 U.S.C. § 3161 *et seq.*, shall be excluded on the following bases:

5 a. Counsel for defendant requires additional time to review discovery, consult with
6 his client, conduct necessary investigation, conduct settlement negotiations, and draft the reply to the
7 government's opposition. Counsel for defendant believes that failure to grant a continuance would deny
8 him the reasonable time necessary for effective preparation, taking into account the exercise of due
9 diligence. The government does not object to the continuance. Accordingly, pursuant to 18 U.S.C. §
10 3161(h)(7)(A) and (B)(iv), the ends of justice served by continuing the case as requested outweigh the
11 interest of the public and the defendants in a trial within the original date prescribed by the Speedy Trial
12 Act.

13 b. The period of delay resulting from the filing of the motion to suppress, from the
14 filing of the motion through the conclusion of the hearing on, or other prompt disposition of, such
15 motion, is excluded in computing the time within which trial must commence pursuant to 18 U.S.C. §
16 3161(h)(1)(D).

17 c. Further, the parties stipulate that, pursuant to the Speedy Trial Act, 18 U.S.C. §
18 3161 (h)(1)(D), (h)(7)(A), (h)(7)(B)(i), and (iv), time shall be excluded in the interest of justice from
19 March 8, 2023 up to March 22, 2023, to permit review of discovery, investigation, drafting and filing of
20 motions and hearing on the motions, settlement negotiations and preparation for trial.

21 d. Nothing in this stipulation and order shall preclude a finding that other provisions
22 of the Speedy Trial Act dictate that additional time periods are excludable from the period within which
23 a trial must commence.

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1 IT IS SO STIPULATED.
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4 Dated: January 30, 2023

PHILLIP A. TALBERT
United States Attorney

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6 /s/ ANTONIO J. PATAKA
ANTONIO J. PATAKA
Assistant United States Attorney
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9 Dated: January 30, 2023

/s/ TIMOTHY P. HENNESSY
TIMOTHY P. HENNESSY
Counsel for Defendant
MARIO ANTONIO SALCIDO
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ORDER

IT IS SO ORDERED that the status conference is continued from March 8, 2023, to **March 22, 2023, at 1:00 p.m. before Magistrate Judge Barbara A. McAuliffe**. Time is excluded pursuant to 18 U.S.C. § 3161 (h)(1)(D), (h)(7)(A), (h)(7)(B)(i), and (iv). The motion briefing scheduled be continued and set as follows:

Government's opposition due: February 20, 2023

Defense reply due: March 6, 2023

Hearing on motions **March 20, 2023, at 10:00 a.m. before
District Judge Ana de Alba**

IT IS SO ORDERED.

Dated: **January 30, 2023**

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE